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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,593	02/12/2001	Ismail Emesh	34759.9600	1303
20322	7590	10/22/2003	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			LEADER, WILLIAM T	
			ART UNIT	PAPER NUMBER
			1742	
DATE MAILED: 10/22/2003				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/781,593	<b>Applicant(s)</b> EMESH ET AL. <i>je</i>
	<b>Examiner</b> William T. Leader	<b>Art Unit</b> 1742

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  
 - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 August 2003.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-74 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 36-56 and 72-74 is/are allowed.  
 6) Claim(s) 1-35 and 57-71 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. Receipt of the response filed on August 1, 2003, is acknowledged. Claims 1-74 are pending.

2. The amendment to independent claims 36 and 72 are considered to distinguish these claims from the prior art of record. Accordingly, claims 36-56 and 72-74 are allowed.

### ***Claim Rejections - 35 USC § 102***

3. Claims 1-5, 9-12, 14-22, 25-28, 35, 57-59, 65-68 and 70-71 rejected under 35 U.S.C. 102(b) as being anticipated by Uzoh et al (5,911,619) for the reasons of record and in view of the following comments.

### ***Claim Rejections - 35 USC § 103***

4. Claims 6-8 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uzoh et al in view of Yamamoto (5,853,317) for the reasons of record and in view of the following comments.

5. Claims 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uzoh as applied to claims 6-8, 37 and 60 above, and further in view of Berman et al (5,882,251) for the reasons of record and in view of the following comments.

6. Claims 13, 39 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uzoh et al in view of Bibby, Jr. et al (6,106,662) for the reasons of record and in view of the following comments.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uzoh et al in view of Tsai et al (5,575,706) for the reasons of record and in view of the following comments.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uzoh et al in view of Rostoker (5,265,387) for the reasons of record and in view of the following comments.

9. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uzoh et al in view of Marcyk et al (6,121,144) for the reasons of record and in view of the following comments.

10. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uzoh et al in view of Marmillion et al (5,934,977) and Zubak (3,849,272) for the reasons of record and in view of the following comments.

#### COMMENTS

The amendments to the claims and applicant's arguments have been carefully considered but are not deemed to be persuasive. Independent claims 1, 57, 69 and 70, along with the claims dependent thereon are included in the rejections above. Claims 1, 57, 69 and 70 are directed to apparatus. In an apparatus claim, it is the structure recited that must distinguish over the structure taught by the prior art. See MPEP 2114. It is the Examiner's position that the rejected claims do not recite sufficient structural limitations to overcome the rejections of record. In claim 1, four structural elements are recited in paragraphs a) through d). The last paragraph of claim 1 includes the limitations "wherein said power source applies . . . ". This limitation is written using process oriented language and describes the way in which the apparatus is intended to be operated. The manner in which a device is operated does not distinguish apparatus claims from the prior art. Again, see MPEP 2114. Instant claim 57 recites "a power supply configured to apply a negative charge to the electrically conductive surface and a positive charge to said at least one conducting element". Instant claim 69 includes a similar limitation.

Instant claim 70 recites “a power supply for applying a positive charge to said contact elements to create an electric potential between the metallized surface and the conducting surface disposed proximate the polishing pad.” However, the structure which allows the process or function recited in claims 1, 57, 69 and 70 has not been recited. It is noted that applicant’s figures show, and the specification describes, a power supply with two output connections, one of which is adapted to output a positive charge, the other of which is adapted to output a negative charge. The figures show a structural connection between the positive output and the electrical conductor positioned within the platen and a structural connection between the negative output and the platen itself. It is suggested that applicant consider reciting these structural features in the claims.

**11. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 703-308-2530. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 703-308-1146. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*WL*  
William Leader  
October 16, 2003

*RK*  
ROY KING  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700